



Order Filed on December 20, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-1(b)

NORGAARD, O'BOYLE & HANNON
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Attorneys for Debtor-in-Possession

By: *John O'Boyle (JO -6337)*

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In re:

**ALEXANDRE DACOSTA &
VIVIANNE ANTUNES**

Debtors.

Chapter 11 (Small Business Subchapter V)

Case No. 22-18303 JKS

Hearing Date: December 14, 2022

**ORDER CONVERTING CASE TO CHAPTER 11, SUBCHAPTER V; PRESERVING
RIGHTS OF INTERESTED PARTIES TO OBJECT TO SUBCHAPTER V SELECTION;
CONTINUING HEARING ON DEBTORS' MOTION FOR JOINT ADMINISTRATION
WITH CASE OF BAV AUTO, LLC; AND GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: December 20, 2022

A handwritten signature in black ink, appearing to read "J K Sherwood", is written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

THIS MATTER came to the attention of the court upon the motion of the Debtors Alexandre Dacosta and Vivianne Antunes for orders converting their case to Chapter 11 and directing the joint administration of their case with the Chapter 11 case of BAV Auto, L.L.C. (Case No. 22-17933 JKS). The motion was duly served upon all creditors and parties in interest in both cases. The United States Trustee objected to the Debtors' motion; no creditor or other party in interest objected or otherwise responded to the motion. Prior to the hearing, the Debtor, counsel to BAV Auto, L.L.C. and the United States Trustee agreed to submit this order resolving the matters. The Court finds good cause to make the following order.

IT IS HEREBY ORDERED that:

1. The above-captioned case is converted from Chapter 13 to Chapter 11.
2. Consistent with the Debtors' intentions as expressed in the Motion and in its supporting Certification, this Order shall memorialize the Debtor's choice to proceed under Subchapter V of Chapter 11 without the need to file an amended bankruptcy petition or other notice.
3. As of the entry of this Order, this case shall proceed under Subchapter V of Chapter 11 of the Bankruptcy Code. Notwithstanding, all parties-in-interest, including but not limited to the United States Trustee, shall have their rights reserved to review and consider the Debtors' eligibility to proceed under Subchapter V of Chapter 11, and to file an objection thereto in accordance with Federal Rule of Bankruptcy Procedure 1020 within thirty days following the conclusion of a meeting of creditors held under section 341(a) of the Bankruptcy Code conducted in connection with the chapter 11 pendency of this case.
4. Within 14 days of the date of this order, the Debtors shall file amendments to previously filed schedules and statements as necessary.

5. The Debtors shall pay the fee for the conversion of the case in the amount of \$932.00 immediately. If the fee is not paid within 14 days of the date of this order, the above-captioned case will be dismissed without further notice.

6. The United States Trustee shall immediately appoint a Chapter 11, Subchapter V trustee in this case.

7. The Chapter 13 Trustee shall:

A. immediately turnover to the Debtors all records and property of the estate in his or her custody or control;

B. Within 30 days of the date of this order, file an accounting of all receipts and distributions made, together with a report on the administration of the case; and

C. Within 30 days of the date of this order, file a request for payment of administrative expenses, if appropriate.

8. The Court shall continue the hearing on the Debtor's motion to consider whether a further order directing the joint administration of the case with the case of BAV Auto, L.L.C. should be entered to January 17, 2023 at 10 A.M.

9. Regardless of whether or not this Court directs joint administration of the two cases, the rights of both the Debtors and BAV Auto, L.L.C. to propose a Joint Chapter 11 Plan in their case(s) is preserved.

In re:
Alexandre J. Dacosta
Vivianne C. Antunes
Debtors

Case No. 22-18303-JKS
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Dec 20, 2022

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 22, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ Alexandre J. Dacosta, Vivianne C. Antunes, 80 Columbia Avenue, Kearny, NJ 07032-2948

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 22, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 20, 2022 at the address(es) listed below:

Name	Email Address
Douglas J. McDonough	on behalf of Creditor Bank of America NA dmcdonough@flwlaw.com
Drew S. McGehrin	on behalf of Creditor Vero Finance Technologies Inc. dsmcgehrin@duanemorris.com
John O'Boyle	on behalf of Joint Debtor Vivianne C. Antunes joboyle@norgaardfirm.com sferreira@norgaardfirm.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com;dtakach@norgaardfirm.com
John O'Boyle	on behalf of Debtor Alexandre J. Dacosta joboyle@norgaardfirm.com sferreira@norgaardfirm.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com;dtakach@norgaardfirm.com
John R. Morton, Jr.	on behalf of Creditor Thrift Investment Corporation ecfmail@mortoncraig.com mortoncraigecef@gmail.com

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Joseph H. Lemkin

on behalf of Creditor Auction Credit Enterprises LLC jlemkin@stark-stark.com

Marie-Ann Greenberg

magecf@magtrustee.com

Phillip Andrew Raymond

on behalf of Creditor JPMorgan Chase Bank National Association phillip.raymond@mccalla.com,
mccallaecf@ecf.courtdrive.com

Regina Cohen

on behalf of Creditor Westlake Flooring Services rcohen@lavin-law.com mmalone@lavin-law.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10